REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1, 3 and 6 have been amended. Claims 1-9 are pending in this application.

The Abstract

The Examiner objected to the abstract due to undue length. The former abstract has been replaced by a more concise abstract. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

Claim Rejection under 35 U.S.C. §112

Claim 6 was rejected as being indefinite under 35 U.S.C. §112 for failing to particularly point out and distinctly claim the subject matter. In particular, the Examiner rejected claim 6 as being indefinite with respect to the limitation "a great deal of data." Applicant has amended Claim 6 to more particularly claim the subject matter of the invention. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim Rejection under 35 U.S.C. §102(b)

Claims 1-9 were rejected under 35 U.S.C. §102(b) as being anticipated by Philbrick *et al.* Applicant has amended independent claim 1 to more clearly define the claimed invention. Applicant traverses the rejection for the following reasons.

Amended claim 1 now recites, in part, a "network-storage apparatus ... comprising ... a TOE for reading data to be transmitted to the network from the peripheral memory, constructing the data in the form of a packet including the creation of a packet header, transmitting the packet to the network, and storing the data received from the network in the peripheral memory through the peripheral memory controller." Applicant submits that Philbrick *et al.* fails to disclose or suggest these limitations. In particular, it is respectfully submitted that the hardware sequencers 52, conventional physical layer hardware 58 and media access control 60 of Philbrick *et al.* do not construct "the data in the form of a packet."

Philbrick *et al.* disclose hardware sequencers 52 for "upper layer processing of network messages" (paragraph [0043]). The choice of the phrase "upper layer processing of network messages" is significant, as the hardware sequencers of Philbrick *et al.* have no part in constructing outgoing messages, but rather only analyze incoming network messages. For

instance, if the host of Philbrick *et al.* chooses to send the file by the "slow-path, the [host] CPU runs the protocol stack to create headers for the data held in the host file cache, and then adds the headers and checksums to the data, creating network frames for transmission over the network by the INIC" (paragraph [0061]). If, however, the file is sent by the fast-path, "the INIC processor [44] uses the CCB to create headers and checksums" (paragraph [0061]). After these frames/packets are created, the host CPU or INIC processor send the frames/packets on to the network (paragraph [0061], [0062]). In other words, the hardware sequencers 52, conventional layer hardware 58 or media access control 60 have no part in constructing the outgoing packet. In contrast, the TOE 150 of the claimed invention "reads the ... data from the peripheral memory 170," and then the "read data is constructed in the form of a packet in the TOE 150 so that the data may be transmitted in the form of a packet" (paragraphs [0076] & [0077]).
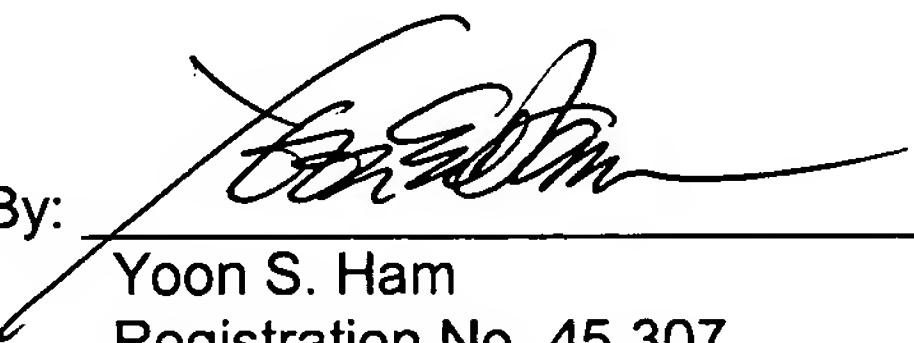
Comparing Philbrick *et al.*'s apparatus (Figure 1) to the claimed invention (Figure 2), the advantage of the claimed invention over Philbrick is clear. While Philbrick *et al.*'s INIC apparatus requires a separate general purpose processor 44, the claimed invention requires no such processor, simplifying the storage unit and reducing the utilization of the peripheral bus 120. Accordingly, Philbrick *et al.* not only fails to disclose or teach all the limitations of the claimed invention, but even teaches that the packet construction should be performed elsewhere.

For the reasons stated above, Applicant respectfully submits that claim 1 is not anticipated by Philbrick *et al.* under U.S. C. §102(b). It is respectfully submitted that claims 2-9 are allowable for at least the same reasons presented above with respect to claim 1 by virtue of their dependence upon claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 2-9.

Conclusion

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance. Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicant at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,
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